

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201906713	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/03/2019 7:20 PM, Monday, 07/08/2019 8:00 PM	Location of Incident: § 87(2)(b) and the 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 1/3/2021	EO SOL 8/20/2021	
Date/Time CV Reported Mon, 07/15/2019 3:50 PM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 07/31/2019 10:41 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM David Miller	14781	946006	071 PCT
2. POM Cody Pregent	08630	961120	071 PCT
3. SGT Abdurahm Almontaser	02497	946734	071 PCT
4. POF Marlene Welch	10748	898755	071 PCT
5. SGT Christian Carlin	303	941501	071 PCT
6. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Cody Pregent	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer Cody Pregent threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Cody Pregent	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer Cody Pregent threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM David Miller	Abuse: On July 3, 2019, Police Officer David Miller entered § 87(2)(b) in Brooklyn	§ 87(2)(b)
D.POM David Miller	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer David Miller threatened to arrest § 87(2)(b)	§ 87(2)(b)
E.POM David Miller	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer David Miller threatened to arrest § 87(2)(b)	§ 87(2)(b)
F.POM David Miller	Discourtesy: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer David Miller spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.SGT Christian Carlin	Abuse: On July 3, 2019, Sergeant Christian Carlin entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
H.SGT Christian Carlin	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Sergeant Christian Carlin threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
I.SGT Christian Carlin	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Sergeant Christian Carlin threatened to arrest § 87(2)(b)	
J.SGT Christian Carlin	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, Sergeant Christian Carlin threatened to arrest § 87(2)(b)	
K. An officer	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, an officer questioned § 87(2)(b)	
L. An officer	Abuse: On July 3, 2019, at § 87(2)(b) in Brooklyn, an officer questioned § 87(2)(b)	
M.SGT Christian Carlin	Abuse: On July 3, 2019, Sergeant Christian Carlin searched § 87(2)(b) in Brooklyn.	
N.POF Marlene Welch	Abuse: On July 8, 2019, at the 71st Precinct stationhouse in Brooklyn, Police Officer Marlene Welch did not process § 87(2)(b)'s complaint regarding officers.	
O.SGT Abdurahm Almontaser	Abuse: On July 8, 2019, at the 71st Precinct stationhouse in Brooklyn, Sergeant Abdurahm Almontaser did not process § 87(2)(b)'s complaint regarding officers.	
P.SGT Abdurahm Almontaser	Abuse: On July 8, 2019, at the 71st Precinct stationhouse in Brooklyn, Sergeant Abdurahm Almontaser did not process § 87(2)(b)'s complaint regarding officers.	

### Case Summary

On July 15, 2019, § 87(2)(b) filed this complaint in-person with IAB, generating log #19-27363. On July 31, 2019, the CCRB received this complaint via IAB spin-off log #19-28381.

On July 3, 2019, at approximately 7:20 p.m., § 87(2)(b) and § 87(2)(b) were at their apartment at § 87(2)(b) in Brooklyn when 71<sup>st</sup> Precinct officers PO Cody Pregent and PO David Miller arrived with the building's superintendent, § 87(2)(b). § 87(2)(b) and § 87(2)(b) had been evicted but had appealed against that eviction. Officers told them they had to vacate the premises. After receiving legal documentation from § 87(2)(b) and from § 87(2)(b) and § 87(2)(b), PO Pregent called the NYPD Legal Department. After the phone call, PO Pregent threatened to arrest § 87(2)(b) and § 87(2)(b) if they did not vacate the apartment (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). PO Miller prevented the door from closing by placing his foot in the doorway and leaning against it and threatened to arrest § 87(2)(b) and § 87(2)(b) if they did not leave (**Allegations C to E: Abuse of Authority**, § 87(2)(g)). PO Miller called § 87(2)(b) a "smartass" (**Allegation F: Discourtesy**, § 87(2)(g)). PO Pregent requested a supervisor to the scene and Sgt. Christian Carlin and PO Adam Elmaadawy of the 71<sup>st</sup> Precinct responded. Sgt. Carlin stood by the door and prevented it from closing (**Allegation G: Abuse of Authority**, § 87(2)(g)). Sgt. Carlin advised § 87(2)(b) and § 87(2)(b) that if they continued to refuse to leave, officers would break down the door and arrest them (**Allegations H to J: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) opened the door and all four officers entered. Allegedly, an officer asked if there were weapons inside the apartment and officers conducted a security sweep of the apartment for weapons (**Allegations K to M: Abuse of Authority**, § 87(2)(g)).

On July 8, 2019, at approximately 8:00 p.m., § 87(2)(b) and § 87(2)(b) arrived at the 71<sup>st</sup> Precinct stationhouse to file a complaint regarding the July 3, 2019, incident. They spoke to 71<sup>st</sup> Precinct officers PO Marlene Welch and Sgt. Abdurahm Almontaser. PO Welch allegedly refused to process a written complaint presented by § 87(2)(b) (**Allegation N: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) asked Sgt. Almontaser to take their complaint, and he allegedly told them he was unable to do so and advised calling 311, the CCRB, or IAB but did not provide any contact information for the CCRB or IAB (**Allegations O and P: Abuse of Authority**, § 87(2)(g)).

No arrests or summonses are associated with this complaint.

The investigation obtained footage from security cameras at § 87(2)(b) via § 87(2)(b) (BR 01), cameras at the 71<sup>st</sup> Precinct stationhouse via IAB (BR 02), and body-worn cameras (BWC) via the NYPD Legal Department (BR 03-05).

### Findings and Recommendations

**Allegation A – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer Cody Pregent threatened to arrest § 87(2)(b)**

**Allegation B – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer Cody Pregent threatened to arrest § 87(2)(b)**

**Allegation D – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer David Miller threatened to arrest § 87(2)(b)**

**Allegation E – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer David Miller threatened to arrest § 87(2)(b)**

**Allegation H – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Sergeant Christian Carlin threatened to damage § 87(2)(b)'s property.**

**Allegation I – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Sergeant Christian Carlin threatened to arrest § 87(2)(b)**

**Allegation J – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, Sergeant Christian Carlin threatened to arrest § 87(2)(b)**

Footage from PO Pregent’s BWC captures these allegations (BR 03). At 1:56, PO Pregent tells § 87(2)(b) and § 87(2)(b) that if they don’t leave the apartment, they will be arrested for trespassing. From 2:35 to 2:55, PO Pregent states again to § 87(2)(b) he is trespassing and that he is now under arrest. From 5:16 to 5:50, PO Miller tells § 87(2)(b) and § 87(2)(b) three times that as soon as the chain comes off the door, they will be placed under arrest. From 46:49 to 47:00, after Sgt. Carlin tells § 87(2)(b) and § 87(2)(b) that if they do not allow the officers inside, ESU will force entry and they will be arrested for criminal trespass.

§ 87(2)(b) and § 87(2)(b) provided consistent testimony regarding these allegations except where noted (BR 06-08). PO Pregent and PO Miller arrived at their apartment door with § 87(2)(b) and officers told them they had to vacate the premises. They had been served an eviction notice sometime prior. § 87(2)(b) and § 87(2)(b) disputed with officers that they needed to vacate, providing them documentation of an appeal they had filed earlier that day. After PO Pregent reviewed their documentation and spoke to NYPD Legal personnel over the phone, the officers returned to their door and told § 87(2)(b) and § 87(2)(b) that they had confirmed that they were no longer lawfully allowed to stay within the apartment. Only § 87(2)(b) alleged that PO Pregent threatened to arrest both him and § 87(2)(b) if they did not leave. § 87(2)(b) and § 87(2)(b) asked officers multiple times to call their supervisor and after officers ordered them multiple times to leave, PO Miller told them that he was calling his supervisor and if § 87(2)(b) and § 87(2)(b) continued to refuse to leave the apartment, they would be arrested upon his supervisor’s arrival. When Sgt. Carlin arrived, he told § 87(2)(b) and § 87(2)(b) that they had to leave the apartment or they would be arrested. Only § 87(2)(b) recalled Sgt. Carlin also state he would call for other officers to break the door down. § 87(2)(b) and § 87(2)(b) decided to open the door to avoid arrest.

§ 87(2)(b) provided consistent testimony regarding these allegations (BR 09). § 87(2)(b) works for § 87(2)(b), which manages § 87(2)(b) on behalf of the owners, § 87(2)(b). On § 87(2)(b), City Marshals served eviction papers to § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) pursued an Order to Show Cause (OSC) in court. A judge denied them and upheld the eviction, but allowed § 87(2)(b) and § 87(2)(b) to retrieve their belongings from the apartment from July 1, 2019 to July 3, 2019, between 9:00 a.m. and 5:00 p.m. On July 3, 2019, § 87(2)(b) and § 87(2)(b) arrived at the apartment at approximately 3:30 p.m. and sent § 87(2)(b) an email stating something to the effect of, “Talk to your lawyers, we are not leaving.” At 5:00 p.m., § 87(2)(b) called 911 to request a police response to ensure § 87(2)(b) and § 87(2)(b)’s removal from the apartment. At approximately 6:30 p.m., PO Pregent and PO Miller arrived and met § 87(2)(b) outside of the building. § 87(2)(b) showed them the eviction paperwork and the denied OSC on his phone before they all went upstairs to § 87(2)(b). § 87(2)(b) remained 10 to 15 feet down the main hallway from the apartment. After PO Pregent spoke to § 87(2)(b) and § 87(2)(b) at the chain-secured door and then NYPD Legal personnel on the phone, PO Pregent and PO Miller stated multiple times that if they did not leave, they would both be arrested for criminal trespass. When Sgt. Carlin arrived, he told § 87(2)(b) and § 87(2)(b) multiple times that they had to leave the apartment or ESU would break down the door and, if officers had to break down the door, both of them would be arrested.

PO Pregent, PO Miller, and Sgt. Carlin provided consistent testimony regarding these allegations except where noted (BR 10-12) PO Pregent and PO Miller both agreed that, based on Housing Court documentation provided by § 87(2)(b) and § 87(2)(b) and § 87(2)(b) PO Pregent’s phone conversation with NYPD Legal, and § 87(2)(b)’s and § 87(2)(b)’s continuous refusal to leave the apartment, officers had probable cause that they were committing criminal trespass. Sgt. Carlin based this probable cause on his conversations with § 87(2)(b) and his officers as well as eviction paperwork provided to him by § 87(2)(b). All three officers stated they threatened to arrest § 87(2)(b) and § 87(2)(b) for trespassing. Sgt. Carlin told them if they did

not open the door, entry would have to be forced to arrest them. He did not recall explaining that the door would be broken, but he implied it by stating entry would be forced. Sgt. Carlin explained to the investigation that ESU would have had to been called to make the entry as per procedure for barricaded suspects. Officers used discretion in allowing § 87(2)(b) and § 87(2)(b) to eventually leave willingly without arresting them.

Kings County Housing Court Index #§ 87(2)(b) records the legal dispute between § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and was publicly available to the investigation (BR 13). On April § 87(2)(b) 2019, § 87(2)(b) petitioned for final judgement of eviction of § 87(2)(b) and § 87(2)(b) from the apartment and for § 87(2)(b) in unpaid rent. On June § 87(2)(b) 2019, a judgment of possession of the apartment was made in favor of § 87(2)(b) and a warrant for § 87(2)(b) and § 87(2)(b)'s eviction was issued. On June § 87(2)(b) 2019, a warrant of eviction was served under City Marshal Justin P. Grossman. On June § 87(2)(b) 2019, § 87(2)(b) and § 87(2)(b) submitted an OSC and sought to restore the apartment back to themselves. On June § 87(2)(b) 2019, Judge Hannah Cohen denied the OSC in Kings County Civil Court and declined restoration of the property to them. On July § 87(2)(b) 2019, § 87(2)(b) and § 87(2)(b) submitted a "Notice of Appeal" of Judge Cohen's decision to the Appellate Term of the Supreme Court for the Second, Eleventh, and Thirteenth Judicial Districts and it was served upon § 87(2)(b) attorney the same day. No documentation recording an "undertaking" or any additional steps by § 87(2)(b) and § 87(2)(b) in their appeal were contained within the case file. On January § 87(2)(b) 2020, § 87(2)(b) and § 87(2)(b)'s appeal was dismissed by the Appellate Term as they had not perfected the appeal and no enlargement of time was granted for them to do so.

The New York State Unified Court System's official website provides guidance and information on the eviction and appeal processes in New York City's Housing Courts (BR 14). An order which grants or denies an OSC is appealable. An appeal does not necessarily stop, or stay, an execution of a judgment. An automatic stay is not effective until the notice of appeal is served, the court has set the undertaking, a monetary amount owed to the court, and the appellant has paid the undertaking. The appellant must apply to the same court that rendered the OSC to set the amount of the undertaking and once set, the appellant must pay the set amount to the Civil Court. The appellant may also apply directly to the Appellate Term for a limited stay, or to vacate, limit or modify a stay imposed by the trial court. In order to complete the filing of, or perfect, the appeal, the appellant must comply with the Appellate Term's rules, regulations, and instructions, which vary by Terms.

A person is guilty of criminal trespass in the second degree when they knowingly enter or remain unlawfully in a dwelling New York State Penal Law 140.15 (BR 15).

When responding to an incident where barricaded persons will not voluntarily surrender, officers must request a patrol supervisor and ESU to the scene. Once ESU is on scene, they may then take the necessary steps to gain access to the suspects NYPD Patrol Guide Procedure 214-13 (BR 16).

§ 87(2)(g)

§ 87(2)(g)

**Allegation C – Abuse of Authority: On July 3, 2019, Police Officer David Miller entered § 87(2)(b) in Brooklyn.**

**Allegation G – Abuse of Authority: On July 3, 2019, Sergeant Christian Carlin entered § 87(2)(b) in Brooklyn.**

Footage from PO Pregent’s BWC captures these allegations (BR 03). At 3:13, PO Miller is first depicted leaning against the chain-secured door within the doorway, consistent with his left foot being on the threshold and most clearly at 5:18, 5:43, and at 10:03. PO Miller remains next to the door throughout most of the footage until Sgt. Carlin’s arrival at 44:22. Sgt. Carlin’s positioning at the door from 44:22 is consistent with at least one of his feet on the threshold of the apartment until § 87(2)(b) opens the unlocked door at 52:35. From 50:35 to 52:35, Sgt. Carlin also keeps his left hand against the ajar door.

§ 87(2)(b) and § 87(2)(b) provided consistent testimony regarding these allegations except where noted. When PO Pregent and PO Miller arrived at their apartment door, § 87(2)(b) and § 87(2)(b) answered the door with the chain lock secured, allowing the door to open about six inches. After PO Pregent spoke to NYPD Legal personnel, he and PO Miller returned to their door and told § 87(2)(b) and § 87(2)(b) that they had confirmed that they were no longer lawfully allowed to stay within the apartment. PO Miller placed his foot in the doorway, preventing full closure, until Sgt. Carlin arrived after 20 to 30 minutes. When Sgt. Carlin arrived, § 87(2)(b) alleged that he placed his foot in the doorway to prevent full closure until § 87(2)(b) and § 87(2)(b) unlatched the chain to allow officers inside. § 87(2)(b) only alleged that PO Miller prevented the door from closing at any point.

§ 87(2)(b) alleged that PO Miller placed his foot in the doorway and leaned his shoulder against the door to prevent it from closing more than two inches after PO Pregent spoke to NYPD Legal personnel and § 87(2)(b) attempted to close the door. When Sgt. Carlin arrived, he might have replaced PO Miller at the door, but § 87(2)(b) could not specifically recall.

PO Pregent and PO Miller provided consistent testimony except where noted. When they arrived, § 87(2)(b) presented them judge-signed documentation. PO Miller did not recall the specific documents, but PO Pregent stated they detailed § 87(2)(b)’s and § 87(2)(b)’s previous eviction and a denied appeal by them. They both believed the documentation to be valid. When they spoke to § 87(2)(b) and § 87(2)(b) through the chain-secured door, PO Miller noted the highly impaired visibility of the apartment and the two individuals. PO Miller held the door open with his arms, upper-body weight, and feet across the threshold. PO Miller remained against the door for most of the incident to preserve visibility. PO Pregent recalled PO Miller as well as himself using their feet in the doorway to prevent full closure to preserve visibility, taking turns throughout the incident.

Sgt. Carlin stated he spoke with § 87(2)(b) and § 87(2)(b) through a fully-closed door. He did not recall it ever being ajar or forcing it open. Sgt. Carlin explained to them for several minutes about how they were illegal occupants and needed to open the door and leave until § 87(2)(b) and § 87(2)(b) opened the door. Sgt. Carlin then led his officers inside the apartment to ensure § 87(2)(b) and § 87(2)(b) collected their belongings and left, which they did. When presented the above-referenced footage, Sgt. Carlin identified himself as extending his arm against the ajar door and explained he was casually leaning on the door during his conversation. He did not recall if he ever forced the door to remain open.

Kings County Housing Court Index #§ 87(2)(b) records the lawful eviction of § 87(2)(b) and § 87(2)(b) who were due to permanently exit the premises by July 3, 2019, at 5:00 p.m. in order to collect their belongings, with no successful appeal of that judgment.

In all available testimony and relevant footage, it is apparent that § 87(2)(b) and § 87(2)(b) protest their eviction and the actions of the officers as they believed they had a legal right to reside in their apartment due to the appeal they filed. § 87(2)(b) on behalf of the building management company, requested police to remove § 87(2)(b) and § 87(2)(b) and believed they

had no legal ownership of the property. Based on court documentation, though § 87(2)(b) and § 87(2)(b)'s appeal, Judge Cohen's denial of their OSC was not stayed and the property was under possession of § 87(2)(b) on the incident date.

§ 87(2)(g)

**Allegation F – Discourtesy: On July 3, 2019, at § 87(2)(b) in Brooklyn, Police Officer David Miller spoke discourteously to § 87(2)(b)**

No available footage captured this allegation.

§ 87(2)(b) alleged that, after officers first prevented the door from closing and while waiting for Sgt. Carlin to arrive, PO Miller told PO Pregent, "This kid § 87(2)(b) is getting on my nerves... He's such a smartass."

§ 87(2)(b) did not allege that PO Miller called her husband a "smartass," only a "street lawyer."

§ 87(2)(b) stated that, while waiting for Sgt. Carlin's arrival and officers held the door open, PO Pregent or PO Miller told § 87(2)(b) "Stop being a smartass."

PO Miller stated he never called § 87(2)(b) a "smartass."

PO Pregent and Sgt. Carlin did not recall PO Miller call § 87(2)(b) a "smartass."

§ 87(2)(b) did not corroborate § 87(2)(b)'s allegation, but it is possible that during the incident, she was distracted and/or walked away from the door while she inside of the apartment at the time the alleged discourtesy was made. PO Miller denied the allegation and no other officer recalled it. § 87(2)(g)

§ 87(2)(g)

**Allegation K – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, an officer questioned § 87(2)(b)**

**Allegation L – Abuse of Authority: On July 3, 2019, at § 87(2)(b) in Brooklyn, an officer questioned § 87(2)(b)**

**Allegation M – Abuse of Authority: On July 3, 2019, Sergeant Christian Carlin searched § 87(2)(b) in Brooklyn.**

Allegation M has been pled against Sgt. Carlin as he was the supervisor on scene.

Footage from all three available BWCs captures the officers in the living room area until § 87(2)(b) and § 87(2)(b) leave. No searches by officers are apparent during those times and no officers are depicted or heard asking § 87(2)(b) or § 87(2)(b) about weapons inside the house (BR 03-05).

§ 87(2)(b) alleged that, after allowing officers inside the apartment as she and § 87(2)(b) collected their belongings to leave, an unidentified officer asked if there were firearms inside the house. She described no searches by officers.

§ 87(2)(b) did not testify to any officers asking about weapons in the apartment. Once all four officers were inside the apartment, PO Pregent, PO Miller, and PO Elmaadawy moved throughout the rooms and looked around, including the kitchen and the bedroom. Unidentified officers explained that they were making sure that there were no weapons.

§ 87(2)(b) remained in the hallway when officers entered the apartment and made no observations of what they did or stated while inside.

Sgt. Carlin stated that once allowed entry, all four officers stood in the same common room by the door as § 87(2)(b) and § 87(2)(b) collected their belongings. Sgt. Carlin did not recall what security measures the officers took inside the apartment, if any, and did not recall if there were

any searches by any officers. Sgt. Carlin did not recall any officers ask § 87(2)(b) or § 87(2)(b) about weapons inside the apartment. He recalled no conversation between civilians and officers inside the apartment.

PO Pregent and PO Miller stated that after § 87(2)(b) and § 87(2)(b) allowed entry inside the apartment all four officers just stood in the living room directly next to the front door. No officer asked about any weapons. Officers did not make any security sweeps or move around the apartment to search it.

§ 87(2)(g)

**Allegation N – Abuse of Authority: On July 8, 2019, at the 71st Precinct stationhouse in Brooklyn, Police Officer Marlene Welch did not process § 87(2)(b) s complaint regarding officers.**

**Allegation O– Abuse of Authority: On July 8, 2019, at the 71st Precinct stationhouse in Brooklyn, Sergeant Abdurahm Almontaser did not process § 87(2)(b) s complaint regarding officers.**

**Allegation P – Abuse of Authority: On July 8, 2019, at the 71st Precinct stationhouse in Brooklyn, Sergeant Abdurahm Almontaser did not process § 87(2)(b) s complaint regarding officers.**

Stationhouse footage covering the front entrance and civilian waiting area of the 71<sup>st</sup> Precinct stationhouse from 6:51 p.m. to 9:51 p.m. on July 8, 2019, did not depict § 87(2)(b) or § 87(2)(b) ever entering the stationhouse or interacting with any officers (BR 02). The investigation did not identify any officer depicted in that footage as PO Welch or Sgt. Almontaser, though several uniformed officers are briefly depicted throughout the footage. None of these officers have interactions with either victim of these allegations.

§ 87(2)(b) stated that on July 8, 2019, between approximately 8:00 p.m. and 9:00 p.m., he arrived at the 71<sup>st</sup> Precinct stationhouse with § 87(2)(b) and stood in a gated area near the front entrance. PO Welch stood in front of the gate and asked how she could help. § 87(2)(b) asked her for the Chief of Police, a union representative, the head of Internal Affairs, and a department attorney. PO Welch stated those individuals were not in the building. § 87(2)(b) asked if she could accept written complaints by him and his wife, explaining they were criminal complaints but did not explain the subject matter. He handed her his own complaint and PO Welch skimmed through some pages. She told § 87(2)(b) that she did not know what the document was and could not take it. § 87(2)(b) never told her that it was a complaint regarding police officers. PO Welch went behind the desk. § 87(2)(b) asked for her name and shield number, which she provided. § 87(2)(b) and § 87(2)(b) left the stationhouse but immediately returned to ask for a supervisor. Sgt. Almontaser came from behind the desk to in front of the gated area and asked how he could help. § 87(2)(b) and § 87(2)(b) stated they wanted to file a criminal complaint involving and against police officers. § 87(2)(b) briefly explained the July 3, 2019, incident and presented the written complaint, which Sgt. Almontaser skimmed. Sgt. Almontaser told § 87(2)(b) that he could not accept that type of complaint at the stationhouse. § 87(2)(b) asked if he certified mailed it to the 71<sup>st</sup> Precinct Inspector at the stationhouse would it be received, and Sgt. Almontaser confirmed. Sgt. Almontaser advised § 87(2)(b) that he could go to Internal Affairs and provided him with their address. § 87(2)(b) asked for his name and shield number, which he provided, and exited the stationhouse with § 87(2)(b).

§ 87(2)(b) provided consistent testimony to § 87(2)(b) barring the following points. § 87(2)(b) stated she and § 87(2)(b) only told PO Welch that they wanted to file a written criminal complaint. PO Welch asked to see the written complaints and they presented her the documents they brought. They displayed their complaints and § 87(2)(b) told PO Welch that they needed to



speak to the most competent person to take their complaint. PO Welch told them, “I guess I’m not competent” and walked around to sit behind the front desk. When § 87(2)(b) and § 87(2)(b) presented a copy of their written complaint to Sgt. Almontaser, they explained it was against 71<sup>st</sup> Precinct officers. Sgt. Almontaser explained that the Inspector was not present and that he was the only person that could take the complaint. Additionally, since § 87(2)(b) and § 87(2)(b) had a complaint against officers in that precinct, Sgt. Almontaser told them they had to contact the CCRB or Internal Affairs and that they could not file the complaint at the stationhouse, again stating that the Inspector Giordano was not present. Sgt. Almontaser told § 87(2)(b) and § 87(2)(b) to contact 311 and did not provide any contact information for the CCRB or IAB.

PO Welch was working the telephone-switchboard at the front desk at the time of the alleged incident (BR 19). She had no recollection of the incident or any civilians coming to the stationhouse that day to file a complaint. She was provided a brief narrative and photographs of the alleged victims, and still did not recall the incident nor recognized § 87(2)(b) or § 87(2)(b).

Sgt. Almontaser was the desk supervisor at the time of the alleged incident (BR 20). He had no recollection of the incident or any civilians coming to the stationhouse that day to file a complaint. He was provided a brief narrative and photographs of the alleged victims, and still did not recall the incident nor recognized § 87(2)(b) or § 87(2)(b). Sgt. Almontaser was presented a copy of the written complaint that § 87(2)(b) and § 87(2)(b) allegedly displayed at the stationhouse. After skimming through it, he did not recognize the document.

The 71<sup>st</sup> Precinct’s Command Log entries from July 8, 2019, reflect no visit by § 87(2)(b) and § 87(2)(b) to the stationhouse to file a CCRB complaint (BR 27).

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 21).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 22).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 23).
- PO Pregent has been a member of service for four years and has been subject of two other allegations in one other CCRB complaint with one substantiation (see officer history):
  - 201809670 involved a substantiated allegation of a spoken discourtesy. The Board recommended Instructions, which the NYPD imposed.
  - § 87(2)(g)
- PO Miller has been a member of service for 12 years and has been subject of two other allegations in one other CCRB complaint with no substantiations (see officer history):
  - § 87(2)(g)
- Sgt. Carlin has been a member of service for 14 years and has been subject of seven other allegations in three other CCRB complaints with no substantiations (see officer history):
  - 201906434 involves five allegations of force, property damage, and a spoken discourtesy and is pending investigation.

